

APR 30 2007

Amendment and Response

Applicant: Sherry L. Krell et al.
Serial No.: 10/633,059
Filed: August 1, 2003
Docket No.: 200208910-1

Title: A METHOD AND APPARATUS FOR SEEDING A RANDOM NUMBER GENERATOR

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed January 30, 2007, in which claims 1-19 were rejected.

With this Amendment, claims 1, 3, 11, 14, and 17 have been cancelled without prejudice, claims 20-29 have been added, claims 4 and 8 have been amended for dependency, and allowable claims 2, 7, 9, 10, 12, 15, and 18 have been rewritten in independent form.

This Amendment is being submitted to further prosecution and permit the issuance of a patent on the allowable subject matter, and should not be construed as acquiescence by Applicant in any outstanding objections or rejections. In addition, Applicant reserves the right to pursue the content of any cancelled claims in a continuing application.

Claims 2, 4-10, 12, 13, 15, 16, and 18-29, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter for which the applicant regards as the invention.

With regard to claims 1, 11, 14, and 17, the Examiner contends that it is unclear if the claimed "resulting seed" of step "f" is the seed that will be used to seed the random number generator as is described in the preamble.

With this Amendment, rewritten independent claims 2, 7, 9, 10, 12, 15, and 18 have each been amended to clarify that "said combination of said seed and said successive data block becomes a resulting seed of the random number generator."

With regard to claims 2, 12, 15, and 18, the Examiner contends that it is unclear what the criterion refers to.

With this Amendment, claims 2, 12, 15, and 18 have each been amended to clarify that "a criterion of said at least one criterion is an absence of a string of identical bits in said successive data block longer than a specified number of bits."

In view of the above, Applicant respectfully requests that the rejection of claims 1-19 under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn, and that claims 2, 4-10, 12, 13, 15, 16, and 18-29 be allowed.

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Claim Rejections under 35 U.S.C. § 103

Claims 1, 8, 11, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutte et al. US Patent No. 5,463,689 in view of Duncan US Patent No. 6,865,660.

With this Amendment, claims 1, 11, 14, and 17 have been cancelled without prejudice. In addition, dependent claim 8 has been amended to depend from allowable claim 9. The rejection of claims 1, 8, 11, 14, and 17 under 35 U.S.C. 103(a), therefore, is rendered moot.

Allowable Subject Matter

Claims 2-7, 9, 10, 12, 13, 15, 16, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and written to overcome the rejections under 35 U.S.C. 112 presented above.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 2 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). As rewritten claim 2 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 4-6 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 2-6 be withdrawn and that claims 2 and 4-6 be allowed.

With this Amendment, Applicant has rewritten allowable claim 7 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 7 be withdrawn and that claim 7 be allowed.

With this Amendment, Applicant has rewritten allowable claim 9 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). Accordingly, Applicant has amended claim 8 to depend from rewritten independent claim 9.

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In addition, Applicant has added new claim 20 to depend from rewritten independent claim 9. As rewritten claim 9 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 8 and 20 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 9 be withdrawn and that claims 8, 9, and 20 be allowed.

With this Amendment, Applicant has rewritten allowable claim 10 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). Applicant, therefore, respectfully requests that the objection to claim 10 be withdrawn and that claim 10 be allowed.

With this Amendment, Applicant has rewritten allowable claim 12 in independent form to include all of the limitations of the base claim (claim 11) and any intervening claims (none). In addition, Applicant has added new claims 21-23 to depend directly or indirectly from rewritten independent claim 12. As rewritten claim 12 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 13 and 21-23 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 12 and 13 be withdrawn and that claims 12, 13, and 21-23 be allowed.

With this Amendment, Applicant has rewritten allowable claim 15 in independent form to include all of the limitations of the base claim (claim 14) and any intervening claims (none). In addition, Applicant has added new claims 24-26 to depend directly or indirectly from rewritten independent claim 15. As rewritten claim 15 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 16 and 24-26 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 15 and 16 be withdrawn and that claims 15, 16, and 24-26 be allowed.

With this Amendment, Applicant has rewritten allowable claim 18 in independent form to include all of the limitations of the base claim (claim 17) and any intervening claims (none). In addition, Applicant has added new claims 27-29 to depend directly or indirectly from rewritten independent claim 18. As rewritten claim 18 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 19 and 27-29 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 18 and 19 be withdrawn and that claims 18, 19, and 27-29 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 2, 4-10, 12, 13, 15, 16, and 18-29 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Nathan R. Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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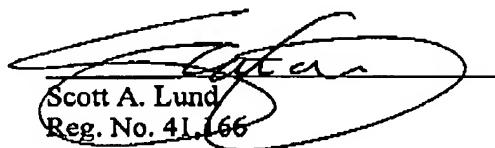
Respectfully submitted,

Sherry L. Krell et al.,

By their attorneys,

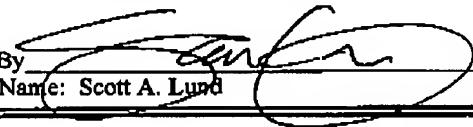
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 30th day of April, 2007.

By 
 Name: Scott A. Lund